

BEFORE THE  
POLLUTION CONTROL HEARINGS BOARD  
STATE OF WASHINGTON

IN THE MATTER OF  
GENERAL METALS OF TACOMA, INC.,

Appellant,

v.

PUGET SOUND AIR POLLUTION  
CONTROL AGENCY,

Respondent.

PCHB No. 82-95

FINAL FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
ORDER

This matter, the appeal of an air pollution notice of violation and civil penalty for the alleged violation of opacity standards, came on for hearing before the Pollution Control Hearings Board; Larry Faulk and Gayle Rothrock (presiding) at an informal hearing on February 9, 1983, in Lacey, Washington, at the Board's hearing room. The proceedings were electronically recorded.

Appellant appeared through its plant manager, Robert B. Vail. Respondent appeared through its attorney, Keith D. McGoffin.

Witnesses were sworn and testified. Exhibits were examined and

1 admitted. From the testimony heard and exhibits examined, the  
2 pollution Control Hearings Board makes these

3 FINDINGS OF FACT

4 I

5 Respondent, pursuant to RCW 43.21B.260, has filed with the Board a  
6 certified copy of its current Regulations I and II, which are noticed.

7 II

8 On May 20, 1982, in the early afternoon, respondent's inspector  
9 noticed a blue/gray and tan-colored plume rising from the automobile  
10 shredder at appellant's business site on Marine View Drive by the  
11 Hylebos Waterway in Tacoma. Positioning himself correctly, he  
12 observed the plume which was coming from the shredder hammer mill and  
13 recorded opacities ranging from 25 percent to 60 percent  
14 intermittently for 12-3/4 minutes of a 33-1/2 minute period (12:57  
15 p.m. to 1:31 p.m.). Respondent's inspector took photographs of the  
16 episode.

17 II

18 After discussing the matter with appellant's plant manager, during  
19 which time the manager advised the inspector the shredder hit an auto  
20 gas tank which exploded in fire and smoke at approximately 1:00 p.m.,  
21 the inspector issued a field notice of violation of pertinent air  
22 pollution control laws and regulations. The shredder fire was  
23 extinguished at 1:15 p.m. The appellant did not elect to telephone  
24 the respondent agency regarding the upset explosion and fire at the  
25 time of the incident.

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1 III

2 Appellant has made a number of modifications to its shredder  
3 hammer mill operation in the past several months in an attempt to even  
4 the flow and reduce the air pollution problems.

5 IV

6 Respondent sent, by certified mail, a Notice and Order of Civil  
7 Penalty of \$250 on June 11, 1982, for the alleged violation of Section  
8 9.03(b) of Regulation I, pursuant to the authority granted to it under  
9 the Clean Air Act. From this appellant appeals to the Board.

10 V

11 Any Conclusion of Law which should be deemed a Finding of Fact is  
12 hereby adopted as such.

13 From these Findings the Board comes to these

14 CONCLUSIONS OF LAW

15 I

16 The state Clean Air Act and Regulation I, Section 9.03 makes it  
17 unlawful for any person to cause or allow the emission of any air  
18 contaminant for a period aggregating more than three minutes in any  
19 one hour which is of an opacity equal to or greater than 20 percent.  
20 An opaque plume did rise from the shredder on May 20, 1982.

21 II

22 Air pollution control regulations of PSAPCA, at Section 9.16,  
23 permit owners or operators of industrial process equipment or control  
24 apparatus to report probable air polluting emissions from a start-up,  
25 periodic shutdown, or unavoidable or unforeseeable breakdown or

26 FINAL FINDINGS OF FACT,  
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1 failure of equipment or apparatus to immediately notify the Agency of  
2 such an event and not be deemed in violation of the regulations, under  
3 certain conditions. No such notice was made to PSAPCA on May 20,  
4 1982, even though appellant was conscious of recurring air pollution  
5 tendencies in various aspects of the shredder's operation.

6 III

7 Appellant did violate Section 9.03(b) as alleged on May 20, 1982,  
8 by allowing or causing an air emission of opaque smoke in excess of  
9 the limits established by Regulation I.

10 IV

11 Any Finding of Fact which is deemed a Conclusion of Law is hereby  
12 adopted as such.

13 From these Conclusions the Board enters this  
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ORDER

The subject Notice and Order of Civil Penalty No. 5520 of \$250 is affirmed.

DATED this 28<sup>th</sup> day of February, 1983.

POLLUTION CONTROL HEARINGS BOARD

  
GAYLE ROTHROCK, Chairman

  
LARRY FAULK, Member